

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

FOOTHILLS OF FERNLEY, LLC,)	3:06-CV-0411-BES-VPC
)	
Plaintiff(s),)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	
)	DATED: July 26, 2007
CITY OF FERNLEY, et al.,)	
)	
Defendant(s).)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, MAGISTRATE JUDGE
Deputy Clerk: Lisa Mann Court Reporter: FTR
Counsel for Plaintiff(s): John Desmond and Wayne Klomp
Counsel for Defendant(s): Brent Kolvet

PROCEEDINGS: MOTIONS HEARING

9:06 a.m. Court convenes.

The Court addresses the parties regarding the purpose of the hearing.

On June 28, 2007, the plaintiff filed a motion to compel discovery responses (#47), the defendants opposed (#48), and the plaintiff replied (#51).

The parties present their respective arguments regarding the facts and merits of the plaintiff's motion to compel (#47).

Having heard from the parties and good cause appearing, the Court finds as follows:

1) Deposition of Paul Taggart:

Mr. Kolvet shall confer with counsel for plaintiff to resolve, in advance, any issues concerning the nature of Mr. Taggart's deposition testimony as it concerns the attorney-client privilege no later than **Friday, July 27, 2007**. To the extent there are any issues, the parties can seek to have an expedited hearing next week. In the event a hearing is required, the parties shall file simultaneous points and authorities concerning the deposition of Paul Taggart one day prior to the hearing.

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2) Plaintiff's motion for partial summary judgment (#53):

With respect to the plaintiff's motion for partial summary judgment, the parties do not agree to stay the consideration of this motion until completion of certain discovery as outlined by the defendants. Therefore, counsel for the defendants shall determine if they will file a Rule 56(f) motion.

3) Claim of attorney-client privilege regarding discovery:

Counsel for the defendants states on the record that there is no claim of attorney-client privilege as to the documents or responses to the interrogatories or no claim of work product doctrine as to discovery in this action.

4) Plaintiff's motion to compel (#47):

The plaintiff's motion to compel (#47) is GRANTED as follows:

- a) The defendants shall supplement their answers to interrogatories 1 and 2 as follows:
 - 1) identify staff reports relied upon in response to each interrogatory;
 - 2) identify persons who testified at public hearings, to the extent their identity responds to interrogatories 1 and 2; and
 - 3) omit "and the like" from the answers.
- b) The defendants shall supplement their answer to plaintiff's interrogatory to reflect that there is only one report by Michael Turnipseed.
- c) The defendants shall produce the Desert Research Institute Report and the State Engineer's Report no later than **Tuesday, July 31, 2007**.
- d) The defendants shall supplement their responses to the plaintiff's requests for production 1, 2, 4, 5, 6, and 7 and identify documents responsive to each request by Bates number or range of Bates numbers pursuant to Fed.R.Civ.P. 26.
- e) The defendants shall supplement their response to plaintiff's request for production 3.

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IT IS ORDERED that the defendants shall propound this supplemental discovery no later than **Friday, August 17, 2007**. To the extent there are any further depositions scheduled between now and August 17, 2007, that require the supplemental answers to interrogatories or the supplemental responses to requests for production of documents be provided prior to a deposition, they shall be produced two (2) business days prior to the deposition.

10:05 a.m. Court adjourns.

LANCE S. WILSON, CLERK

By: _____/s/_____
Lisa Mann, Deputy Clerk